

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division		
TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON		
TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE– 48TH		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: B. Graves/W. Anderson Reporter/Tape: K. Garcia/D. Dedmon Bailiff: H. Franco, P. Bellefeuille, G. Ozburn		Date: April 20, 2005 <hr/> Department: 53 Time: 9:07 a.m.

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA Defendant: Marcus Delon Wesson	<input type="checkbox"/> Appearing <input checked="" type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney Counsel: Peter Jones, Chief Deputy Defender Rafael Torres, Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
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Pursuant to adjournment of April 19, 2005, Court reconvenes at 9:07 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed.

Kristi Garcia, Court Reporter, is present at 9:07 a.m.

The jury returns to the courtroom at 9:07 a.m. and the trial resumes.

Kiani Wesson, having been previously sworn, resumes the witness stand at 9:07 a.m. for continued direct examination by Lisa Gamoian, Chief Deputy District Attorney.

Witness, Kiani Wesson inquires of the Court if she has to answer questions about her diaries. The Court instructs Kiani Wesson that she must answer questions.

The court admonishes the jury and stands in recess at 10:20 a.m.

The Court reconvenes at 10:40 a.m. in chambers with Lisa Gamoian, Chief Deputy District Attorney. Peter Jones, Senior Deputy Public Defender and Rafael Torres, Deputy Public Defender are present. Marcus Delon Wesson is present with the aid of an electronic listening device.

Court Reporter Kristi Garcia is present in chambers at 10:40 a.m.

The Court orders the transcript sealed pursuant to Rule of Court Section 243.1, Subdivision (d) as follows:

In this case the defendant is charged with nine (9) murders and multiple counts of rape and child abuse. There has been significant public interest and media coverage on an international scale.

Because of the seriousness of the charges in this matter, security issues related to the trial, concerns about securing a fair and impartial jury, and in order to provide a fair trial to the parties hereto: The Court finds as follows:

- (1) There is an overriding interest that overcomes the right of public access to the records being sealed;
- (2) These interests support sealing the records;

(3) That a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;

(4) The sealing is narrowly tailored;

(5) No less restrictive means exist to achieve the overriding interest.

Court and respective counsel further discuss the issue of the availability of people's witnesses. Court discusses the issues of the 402 hearing.

Counsel discuss the issues of getting together to stipulate to certain evidence.

Lisa Gamoian, Chief Deputy District Attorney advises the Court that she estimates another 3 - 4 weeks for her case and chief. Rafael Torres, Deputy Public Defender, states that defense will need at least 2 weeks for their case.

Court reconvenes in the courtroom at 10:55 a.m. with all parties present and the jury in their seats.

The Court admonishes the jury and adjourns at 10:56 a.m. until April 21, 2005 at 9:00 a.m.

Witness, Kiani Wesson, is ordered to be present on April 21, 2005 at 9:00 a.m.

The defendant, Marcus Delon Wesson, remains in the custody of the Sheriff of Fresno County.

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